

Remarks

Minor amendments have been made to claims 1, 2, 5, 10, 16 and 18.

Claim 9 was said to be allowable. Accordingly, Claim 9 has been rewritten in independent form.

In brief, claim 1 has been rewritten to include the subject matter of claim 2, as it stood before our prior amendment, except for we have added a limitation that the multi-port memory includes a write port, as well as the previously made amendment specifying that each of the eight read ports are multi-bit) Support for this amendment is explicitly stated in paragraph 26. In short, we have deleted the multi-bit interface language which the examiner objected to, and then added a write port, as well as adding the previous amendment specifying the ports are multi-bit to the original claim 2.

Claim 2 has been reworded as most of the subject matter of claim 2 is now incorporated in claim 1, and the only addition is that claim 2 specifies the multi-bit read ports are 12 bit read ports. Accordingly, there is no change in meaning to claim 2.

Claims 5, 10 and 18 have been amended to specify the multi-port memory includes a plurality of multi-bit read ports and a write port.

Claim 16 has been amended to reintroduce the non-linear processing component to overcome the rejection in paragraph 4 of the office action.

The examiner rejected claims 1, 2 and 19 under section 112, first paragraph 1 based on the allegation that the amendments made to the claims add new matter. We respectfully disagree. An amendment does not add new matter if the subject matter of the amendment can be inferred from the original application by a person skilled in the art. However, we have deleted the "multi-bit interface" language from claim 1, rendering this rejection to claim 1 moot. Regarding claims 2, and 19, we traverse as follows.

The Court of Appeals for the Federal Circuit recently stated, in the Nov. 29, 2007 decision of *In Re Paul Lew and Jason Schiers* (CAFC 2007-1196):

“Thus, we have long explained that the written description requirement of § 112 requires the application to “convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention.” *Vas-Cath Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64 (Fed. Cir. 1991); see also *In re Wright*, 866 F.2d 422, 424 (Fed. Cir. 1989) (“When the scope of a claim has been changed by amendment in such a way as to justify an assertion that it is directed to a different invention than was the original claim, it is proper to inquire whether the newly claimed subject matter was described in the patent application when filed as the invention of the applicant. That is the essence of the so-called ‘description requirement’ of § 112, first paragraph . . .”). The claimed subject matter need not be described “in haec verba” in the original specification in order to satisfy the written description requirement. *In re Wright*, 866 F.2d at 425. Rather, “the test . . . is whether a person of ordinary skill in the art would recognize that the applicant possessed what is claimed in the later filed application as of the filing date of the earlier filed application.” *Noelle v. Lederman*, 355 F.3d 1343, 1348 (Fed. Cir. 2004). The same standards govern whether new matter has been added to the specification. See *TurboCare*, 264 F.3d at 1118.”

As quoted above, the Fed. Cir. Has stated that the test is whether a person skilled in the art would have recognized that the applicant possessed what is claimed. We respectfully submit that the person skilled in the art would have not difficulty reaching such a conclusion, based on what was taught.

In the rejection the examiner stated: “Amended claim 2 in line 2 recites that the read ports are “twelve-bit”. The originally filed specification may support the multi-port itself being twelve-bit byway of the memory addressing, but claiming each port within the multi-memory as twelve-bit is new matter. ”

However we disagree that this represents new matter. This is not a case where we are broadening a claim to claim something which was not taught. Clearly, the amendment did not broaden the claim to be directed to a different invention, but instead clarified aspects of the

invention of the read ports, which we submit, would have been apparent to a person skilled in the art.

The specification clearly implies that multi-bit ports are used, and gives a specific example of 12-bit ports in the exemplary embodiment shown in Figure 3 and discussed in paragraphs 23-26. The paragraphs describe a system wherein each port is responsible for processing 12 sample bits, and therefore each port implicitly is a 12-bit port. A "person skilled in the art" would see the 12 bit bus in figure 3 as an address to the look-up-table. Accordingly, a person skilled in the art would know that each port must be able to cover the entire memory space which has already been described as a 12 bit address and therefore would need to be 12 bits wide. Accordingly, we submit the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, we were in possession a system which uses multi-bit read ports, and 12 bit ports in particular.

We submit, for the reasons given, that such an amendment is clearly supported by the application, and the fact that the ports are multi-bit is implicit. In any event, a person skilled in the art would easily infer this, and the examiner has not provided any basis for alleging that a person skilled in the art would not infer that the ports are multi-bit. Indeed, we question how the examiner would think a person skilled in the art would consider otherwise.

Accordingly, we submit the amendment does not add new matter, and that the application complies with Section 112. Accordingly we respectfully request withdrawal of the rejection.

With respect to the anticipation rejections the claims have been amended to specify the multi-port memory includes a plurality of multi-bit read ports and a write port in order to overcome the rejections.

We respectfully submit the above represents a complete response to all of the rejections, and submit the application is now ready for allowance. A notice of allowance is hereby requested.

In our response of August 27, 2007 we specifically requested an examiner interview if the examiner did not agree. Instead the examiner issued a final action. We hereby repeat our request for an examiner interview, should the examiner not understand the above, or

Appln. no. 10/822,077
Response dated January 14, 2008
Office Action dated November 14, 2007

disagrees with it. Accordingly, the applicant hereby requests the examiner contact the undersigned should there be issues outstanding after the examiner has considered this submission.

No fee is believed due for this submission. However, Applicant authorizes the Commissioner to debit any required fee from Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP. The Commissioner is further authorized to debit any additional amount required, and to credit any overpayment to the above-noted deposit account.

Respectfully submitted,

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